

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

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|--|---|---------------------------------------|
| UNITED STATES OF AMERICA, |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | Civil Action No. CV-75-S-666-S |
| |) | |
| JEFFERSON COUNTY, ALABAMA, <i>et al.</i>, |) | |
| Defendants. |) | |
| <hr/> | | |
| JOHN W. MARTIN, <i>et al.</i>, |) | |
| Plaintiffs, |) | |
| |) | |
| vs. |) | Civil Action No. CV-74-S-17-S |
| |) | |
| CITY OF BIRMINGHAM, ALABAMA, <i>et al.</i>, |) | |
| Defendants. |) | |

ORDER

These cases are before the court on the Receiver's motion to modify the Order Appointing Receiver, as previously modified on November 12, 2013, *nunc pro tunc* October 25, 2013.¹ The Receiver represents that the motion is unopposed.² Upon consideration, the Receiver's motion is GRANTED. Paragraph 2(j) of the Order Appointing Receiver is further amended as follows:

j. Notwithstanding any contrary provision contained herein (with the sole exception of paragraph 7 below, pertaining to temporary orders and interim selections), the County Manager and County Commissioners shall retain full and complete authority vested by law to make

¹ Doc. no. 1862. The Order Appointing Receiver is doc. no. 1843.

² Doc. no. 1862, at 5.

employment decisions related to their respective personal, non-merit position staffs. The County Commission shall also retain its appointing authority and other lawful authority and powers over the County Attorney and County Manager. The County Attorney shall retain full and complete authority over employment decisions for the other attorneys and staff in the Legal Department. Those elected officials of the County with statutory authority to make non-merit appointments shall retain authority over employment decisions relating to such appointments, *provided that* any subsequent decision by any such official concerning the placement or return of any such appointed person into any merit system classification shall be specifically reviewed by, and subject to the decision-making authority of, the Receiver. The exceptions for non-merit appointments set out in this Paragraph 2(j) shall apply only to non-merit appointments that were authorized under state law as it existed on October 25, 2013.

DONE AND ORDERED this 10th day of February, 2014, *nunc pro tunc* October 25, 2013.



United States District Judge